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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10520 (E)

1. The International Federation of Human Rights (FIDH) and its member organization, the Committee for the Defence of Human Rights in Bahrain (CDHRB), would like to express their ongoing concern about the situation of human rights in Bahrain.

2. During the fiftieth session of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities, the Government of Bahrain made two important commitments:

(a) To withdraw the reservation it had formulated on article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) To invite the Commission's Working Group on Arbitrary Detention to its territory.

3. The FIDH and the CDHRB had welcomed these commitments, which, if respected, would amount to a step forward for the protection of human rights in Bahrain. However, several months later the two organizations are still concerned by the fact that the authorities of Bahrain have shown little will to turn their words into practice. If in the course of the fifty-fifth session of the Commission on Human Rights they do not make effective their commitments, the Commission will have to note that the intentions expressed by the Government of Bahrain to cooperate with the United Nations mechanisms are nothing but mere declarations.

4. Looking back into the record of the Government of Bahrain since the fiftieth session of the Sub-Commission, one cannot see a real change in its policy regarding human rights.

Torture and ill-treatment in custody

5. Torture in Bahraini prisons and detention centres is systematic and takes place on a large scale. The CDHRB has collected several cases which illustrate a practice used by the State Intelligence Department and the Criminal Investigation Department whereby instead of practising torture leading to death in custody, they release the fatally injured, who die after they have left the detention centre. Detainees are denied adequate medical treatment. For example, Mr. Mohamed Al-Saya, 28 years old from Sitra, died on 30 September 1998 from brain cancer which he developed during his detention from 5 May 1995 until 12 July 1997. When in detention, he had been denied medical treatment and was not released, even for humanitarian reasons, although he repeatedly requested it. After he was eventually released, he died because of his illness.

6. Women and children detainees are also subjected to torture. Several women were threatened with rape in front of their brothers or husbands. Salwa Hassan Hayder, Hanah Salman Hayder and Lyda Ahmed Alorabi were arrested, among other women, on 3 November 1998. They were confined in solitary cells, beaten, and denied the visits of their relatives, lawyers or medical doctors.

7. The imprisoned leaders of the opposition such as Abdul-Amir Al-Jamri, Mr. Abdul-Whab Hussain, Shaik Hassan Al-Daihi and Hassan Messheme have been in isolation since 23 November and exposed to tremendous pressure to sign a false

confession. Shaik Hassan Al-Daihi's two brothers were arrested. They launched repeated hunger strikes to protest against torture and the harsh conditions of their imprisonment. On 29 November 1998, Yahia Ali Alsatrawi, who was in prison for more than three years, began a hunger strike at the Dockyard detention centre to protest against his continued detention without any charge or trial. The commander of the centre, Lt. Walleed Al-Dwaisan, tortured him in order to force him to eat. One hundred and sixty prisoners started a protest to support their fellow prisoner. For a week Dockyard was a centre of protest and the prisoners were continuously attacked by the riot police. Many of them were tortured, including Maki Salman, Mohamed Alhayiki, Habib Al-Sari, Hussain Al-Basri, Hussain Sultan, Hussain Meshal, Mohamed Fareed and Esa Alhayiki. The prisoners were denied family visits.

Arbitrary detention

8. The ICRC confirmed in its 1997 report that it had registered 2,111 detainees and prisoners in 23 detention centres. Currently, there are more than 2,000 persons who are being arbitrarily detained without trial. If one takes into account that the whole population of the country is 300,000, this number is extremely preoccupying. The State Security Law of 1974 entitles the Minister of the Interior to order the imprisonment of a person without trial for three years, if he considers that this person constitutes a danger for public security. The majority of the detainees during the past four years are citizens who were merely practising their constitutional rights, such as demanding the re-establishment of constitutional rule, and were for that reason regarded as a threat to public security. Many of them, such as Mohamed Al-Ghanim, Mohamed Al-Kharaz, Ali Ahmed, Hayder Abdul-Baqi, Taha Saeed and Mohamed Fardan, have been in prison without trial for more than three years. Seventy political prisoners were released on the occasion of the National Day, but more than 100 persons were arrested during the last three months.

Unfair trials

9. Those involved in political activities are tried before the State Security Court. This court is not in compliance with the international standards for a fair trial. It often bases its verdict solely on an involuntary confession of the accused or police written testimony without cross-examination. It only holds closed meetings and the accused cannot appeal before a higher degree of jurisdiction. It is composed of judges who are affiliated with Al-Khalifa (the ruling clan) and by recruited Egyptian advisers. The court has convicted and handed down harsh sentences for many political defendants, life imprisonment included, as was the case for Ali Darweesh Rida and Khalil Darweesh Gholum on 24 November 1998.

Collective punishment

10. The security forces resort to collective punishment. During November 1998, a whole village, Al-Daih, was put under siege, several houses were broken into, searched and practically demolished in a search for arms and ammunition. Nothing was found. This was repeated to a lesser extent in Al-Dair, where the mosque was excavated, Al-Duraz and Al-Sihla.

Denial of political rights and violations of civil rights

11. Although the Constitution of Bahrain stipulates that democracy is the political system of the country, since the Amir dissolved the National Assembly in 1975, the political rights guaranteed by the constitution have been violated by the State. The people no longer have the right to choose their Government and to create associations freely.

12. The Government dissolved the elected administrative board of the Lawyers Society in March 1998, on the pretext of illegal political activity. A new board was nominated by the Government, against the will of the majority of the members.

The tragedy of the exiled

13. With the exception of a few Bahraini exiles who found asylum in some Western countries, the majority are not attributed refugee status. They are denied valid Bahraini documents and face legal difficulties because of that. Some live as fugitives. They are separated from their families and friends and cannot return to their homeland. At the same time, the Government exercises pressure on host States so they do not give Bahrainis refugee status. It also denies entry to exiles who try to return; this was the case of Abdul-Majeed Alasfoor, exiled in Denmark, who returned to Bahrain with his family and was not allowed to enter the country.

Recommendations

14. The FIDH and the CDHRB call upon the Bahraini authorities:

(a) To restore the rule of law;

(b) To comply with the internationally recognized human rights standards and, in particular, to guarantee the physical integrity of all detainees, the right to a fair trial, and the freedoms of opinion, association and belief;

(c) To cooperate with the United Nations human rights mechanisms, in particular by withdrawing the reservation it had formulated on article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and by allowing the Working Group on Arbitrary Detention in its territory in 1999.